

GUARDIAN  
AD LITEM



# *The Voice for Florida's Abused & Neglected Children*

## 2004 Progress Report

THE GUARDIAN AD LITEM PROGRAM would like to thank the Florida Guardian ad Litem State Association for funding the costs of producing this report.



## “WHAT IS A GUARDIAN AD LITEM?”

I get asked that question all the time. It seems few people understand the function of this very important child advocate. This is not unusual, however, because a guardian ad litem can be many things. A GAL is the volunteer who visits a child consistently to learn about her hopes and dreams. A GAL is the program attorney who moves for a permanency hearing for a child. A GAL is a case coordinator who meets with the Department of Children and Families to keep a sibling group together. A GAL is the program director working to establish partnerships with community groups for the benefit of abused and neglected children.

A GAL is the Guardian ad Litem Program – a network of caring volunteers and professionals working every day to further the best interests of children in dependency court. The hard work of those who dedicate their time and careers to this cause is far reaching. The impact is felt by the children, their families and the communities that they live in. The impact can be immediate, such as when a GAL advocates for needed services for a child, or more lasting, such as when the Program helps push the system so that a child can reach permanency. The cumulative impact, however, is much greater. By helping the children caught up in dependency proceedings today, we give them futures of hope and promise and help to lift them out of a wave of despair that can bring more abuse, delinquency, homelessness, drug addiction or domestic violence. The impact is massive, though it is achieved one child at a time.

In the past year the Guardian ad Litem Program that serves these children has gone through tremendous changes. I am pleased to provide you with this report on the great progress that has been made and the vision for what lies ahead. I look forward to the opportunity to work with you to ensure that every abused or neglected child can grow up in a stable and nurturing home with every opportunity to meet his or her potential.

Sincerely,

**Angela H. Orkin**

*Executive Director*



## EXECUTIVE SUMMARY

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The State of Florida Guardian ad Litem Program is a network of professional staff and community advocates providing a strong voice for Florida's abused and neglected children. The Program uses a team approach to represent children's best interests, using volunteers, case coordinators and program attorneys. In certain cases, judges also appoint an attorney ad litem to represent the child.

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Each day, over 4,600 Floridians serve as guardians ad litem for children. Even though the Program recruits the highest number of volunteers of any state with a similarly sized and structured program, over 20,000 children are still in need of representation. Therefore, many of Florida's abused and neglected children make their way through the child protection system without an advocate.

On January 1, 2004, the Program was transferred out of the state court system, and a statewide office was established to oversee the 21 local programs. During its first nine months the Program has:

- Received over \$295,000 in grant awards
- Established a statewide computer network, a portion of which was funded through a grant from the Children's Justice Act Task Force
- Launched a statewide website, [www.gal.fl.gov](http://www.gal.fl.gov), designed to assist staff and volunteers in their representation of children
- Developed the first chapter of an online volunteer training program
- Recruited a core staff of highly motivated individuals to support local programs through the statewide office
- Established a partnership with the Florida Guardian ad Litem State Association, a non-profit organization committed to supporting the Program





This progress represents the first steps towards achieving the Program's plan to provide a guardian ad litem for every dependent child. In order to meet the needs of Florida's most vulnerable children, the Program has developed a two-year plan designed to ensure every child is represented. In the first year, the Program will focus on four important initiatives:

**ACHIEVING EFFICIENCIES.** The state office and local programs are working to ensure maximization of current resources. Through operational reviews and sharing of best practices, the Program is committed to increasing the number of children it represents over the next year.

**ESTABLISHING PUBLIC-PRIVATE PARTNERSHIPS.** The Program is actively seeking partnerships with private organizations to increase representation for children through additional funding, legal services, and other resources.

**INCREASING VOLUNTEER RECRUITMENT AND RETENTION.** Though the Program has the highest level of volunteer recruitment in the nation, Program staff are committed to increasing the number of volunteer advocates. The Program has set an ambitious goal of increasing the volunteer base by 1,000 volunteers within one year. This will be accomplished through the launch of a statewide marketing campaign in 2005, strengthening partnerships with the Governor's Mentoring Initiative and the Faith-Based and Community Initiative, recruiting more pro bono attorneys to serve as guardians ad litem, and developing alternative training methods.



**SECURING STATE FUNDING.** As of June 30, 2004, the total number of abused and neglected children needing a guardian ad litem was 42,565,<sup>1</sup> according to data provided by the Department of Children and Families (“DCF”). The GAL Program provides representation for approximately 50% of these children. Even as the Program works diligently to increase the number of children it represents, additional staff will be needed to reach all of the children in need. The Program is requesting \$4.3 million in additional funds from the Legislature to move closer to 100% representation.

The Program believes that 100% representation can only be achieved by pursuing these four initiatives simultaneously, and at this time the proper mix of these resources is not determined. At the end of fiscal year 2004/2005, the Program will examine its success in meeting the goals outlined in this report and present a plan for year two that will identify resources needed to ensure that every abused or neglected child is represented from shelter to permanency.

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“While my life was so uncertain, always switching houses and never knowing who my social worker would be from one week to the next, one factor remained constant, my guardian ad litem. She was with me through thick and thin and I’m not sure if she will ever know how I feel about her. She is, and will always be, a dear part of my heart. I shall never forget my guardian ad litem.”

— 17 year old girl,  
Hernando County

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## GUARDIAN AD LITEM MEANS . . . ADVOCATING FOR CHILDREN

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*The State of Florida Guardian ad Litem (“GAL”) Program is a network of professional staff and community advocates providing a strong voice in court for Florida’s abused and neglected children.*

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Every day, the Program advocates for the best interests of children who are alleged to be abused, neglected, or abandoned and who are involved in court proceedings. Best interests include preservation of the child’s physical safety and emotional well-being; permanent placement in a stable and nurturing home environment that fosters the child’s healthy growth and development; and protection from further harm during the child’s involvement in the court system. A guardian ad litem is required to be appointed at the earliest possible time in an abuse or neglect (“dependency”) proceeding.<sup>2</sup> The role of the GAL in court proceedings is distinct because the GAL is the only party mandated to advocate solely for the best interests of the children.

The GAL Program is typically appointed at a shelter hearing. After appointment at this hearing, if resources are available, the Program will assign a volunteer to the children, or alternatively, a staff advocate will be assigned. Acceptance of an assignment means that the Program collects comprehensive information about the child and family, visits the child monthly, attends staffings and hearings, and takes appropriate steps to further the child’s best interests. The independent investigation provides critical information which assists judges in making many difficult decisions, including custody, visitation, termination of parental rights and adoption. The GAL continues monitoring the child’s safety and well-being, as well as significant changes in the parents’ lives which could impact the safety of the child.

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Best interests include preservation of the child’s physical safety and emotional well-being; permanent placement in a stable and nurturing home environment that fosters the child’s healthy growth and development; and protection from further harm during the child’s involvement in the court system.

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The Program uses a team approach to represent children: volunteers, attorneys and case coordinators. The volunteers have been the backbone of the GAL Program for over 20 years and work tirelessly to benefit the children of their community. They often bring a much needed common sense approach to their cases. They are assisted by case coordinators who help them navigate the complex dependency system. Some case coordinators take on a direct advocacy role for children. The case coordinators and volunteers receive essential legal counsel and support from program attorneys and pro bono attorneys. Program attorneys provide legal advice on cases and strong advocacy in court. They attend depositions, negotiate at mediations and take on appeals. The unique perspective and expertise of each team member complements the others and all are critical to advocate for the best interests of children.

The GAL Program consists of 21 local programs,<sup>3</sup> each of which is led by a program director. One of the great strengths of the Program is its directors, some of whom have been with the Program for over 15 years. The directors must not only manage the administrative aspects of their offices, recruit and retain volunteers and supervise staff, but they also work within the community to develop partnerships to better serve the children represented by the Program.



The local communities are the final piece of the GAL team. The community is involved on a very personal level, as individual volunteers take cases and become invested in the children. On a broader level, the GAL Program works with counties, DCF and other state agencies, community-based care providers, and other non-profit organizations to meet the needs of abused and neglected children. Most local programs are supported by a non-profit organization, and the state office is partnering with the Florida Guardian ad Litem State Association to secure resources for representation of children.





## GUARDIAN AD LITEM MEANS . . . WORKING FOR CHILDREN – IN COURT AND OUT

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*There are currently 4,670<sup>4</sup> volunteers who serve as guardians ad litem in Florida. This is the highest number of volunteers in similarly sized and structured programs in the country.<sup>5</sup> The magnitude of the impact of this volunteer force cannot be understated. Volunteers are highly trained, receiving at least 30 hours of training, the same amount required to become a foster parent.<sup>6</sup> They are also required to complete six hours of inservice training each year to maintain their certification.<sup>7</sup> Volunteers are subject to background checks and must be interviewed by program staff before earning certification.*



**G**AL volunteers handle an average of 1.6 cases at any given time, with an average of 1.8 children involved in each case.<sup>8</sup> Advocacy on behalf of two or more children may not seem to be of great consequence at first blush. However, the impact made by volunteers is nothing short of amazing. When taking the entire volunteer force into account, volunteers represent over 14,000 children at any given time.<sup>9</sup>

Statistics are only part of the story. Volunteers are a critical part of the GAL team for a multitude of reasons. Volunteers monitor whether services ordered by the court are provided to the child. They consistently follow up and check on the children and their families to ensure that proper referrals are made, visitation is taking place, and counseling is attended. While judges may rotate, caseworkers may resign, be promoted or reassigned, the volunteer who has made a personal commitment to the child provides continuity for the child, for months or even years. The volunteer also provides important historical information regarding the child as other players in the case change.





Additionally, the volunteer provides a critical link between the child and his or her community because volunteers know how to find local resources and opportunities for the child and family. It is a shining example of what can occur when communities stand up for their own children.

Volunteers work directly with case coordinators in their advocacy for children. The case coordinator is a central player in the GAL team. The case coordinator's expertise in the social services arena is critical in identifying community services that meet the needs of children. Case coordinators assist volunteers with reports and help volunteers navigate the child

protection system. They also attend hearings on behalf of volunteers when a volunteer is unable to get to a hearing. Other case coordinators act as staff advocates, conducting direct advocacy on behalf of children without a volunteer. These staff advocates are effective in handling more complex cases, because they know the key players in the child protection system and are able to go straight to the source to resolve a problem. It is often the case coordinator that links the attorney, the volunteer and the social service providers together.





## GUARDIAN AD LITEM MEANS . . . LEGAL REPRESENTATION OF THE CHILD'S BEST INTERESTS

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*Protecting and pursuing a child's best interests in the court system requires strong legal representation. Program attorneys advise Program staff and volunteers and develop legal strategies for achieving the children's best interests.*

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Currently, 102 lawyers work in or with the Guardian ad Litem Program. The program attorneys represent the best interests and protect the legal interests of children in all phases of court proceedings from trial through the appellate process. They file petitions, motions and responsive pleadings and participate in the discovery process, including attending depositions. They also present legal arguments at hearings and trial, and work to move children quickly into safe and permanent homes. Outside the courtroom, program attorneys facilitate agreements that secure the children's best interests without resorting to litigation through both formal mediation and informal negotiations. The gradual increase in program attorneys over the last several years is enabling them to participate more meaningfully in decision-making throughout the child's case.

In order to enhance the Program's legal advocacy, program attorneys throughout the state are developing areas of expertise on complex issues facing dependent children. These individuals will specialize in education, mental health, independent living, appellate practice, delinquency and funding for foster children, and will commit themselves to staying abreast of the latest developments in these specialized areas of practice. These attorneys will generate materials that can be used by other program attorneys and will be available for consultation when needed.





## GUARDIAN AD LITEM MEANS... ADVOCATING FOR THE BEST POSSIBLE OUTCOMES FOR CHILDREN

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*What defines a good result for a child involved in a dependency case? For children who have been abused or neglected, what conditions help ensure that a child has a chance to live his or her life to the individual's fullest potential, free from abuse and neglect? Those are easy questions to ask, but the solutions are not always easy to achieve for every child.*

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The Program advocates for individualized services and programs that enable every child to achieve positive outcomes. The Program believes that every child is entitled to:

- Live free from further abuse and neglect, in a permanent and nurturing home.
- Be physically, mentally and emotionally healthy.
- Participate in an educational environment that enables the child to reach his or her full potential.
- Be prepared to live independently and successfully as an adult.

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The Legislature's stated goals for children in shelter or foster care include having "a guardian ad litem appointed to represent, within reason, their best interests and, where appropriate, an attorney ad litem appointed to represent their legal interests."

— Section 39.4085,  
Florida Statutes

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Within each of these broad outcomes, the GAL advocates for those specific services that help these goals become realities for all children. Each child's case is different, so the advocacy plan for each child will be different. Some of the things that might be included in an individual child's advocacy plan include:

- Stability in foster home placements and schools
- Access to specific mental health treatment
- Evaluation by a medical specialist
- Visitation with siblings
- Development of an Individual Education Plan by the school system
- GED training classes
- Access to legal counsel to address specific legal interests
- Reduction in the number of continuances
- Including children in court hearings when it is in their best interests
- Finding a mentor to assist a child in school
- Encouraging a child's participation in after school or extra-curricular activities





## GUARDIAN AD LITEM MEANS . . . A VOICE FOR CHILDREN

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*The only way to fully understand the individual needs of a child is to talk to the child. GALs make monthly visits at a minimum, and talk to the child's family and other people who are important in the child's life.*

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The GAL is required by statute to make recommendations to the court as to the child's best interests and inform the court of the child's wishes. Seeing the child in his or her home environment allows the GAL to have a better understanding of a child's needs and wishes. Frequent contact also offers an opportunity to explain the process to the child in an age-appropriate manner.

Recently there has been increasing discussion in Florida about the benefits of a child knowing that his or her opinion is being considered. However, many children do not attend court when major decisions affecting their lives are made. There are also perceived benefits to having the judge and other parties in the case be in the presence of the child. The GAL Program is committed to working with the judiciary to ensure children are present in court when it is in their best interests. Hearing first hand from the child can impact decision-making. Putting a face on what might otherwise be another case number may renew the sense of urgency that will move a child to permanency. Sometimes being the child's voice means standing side by side.



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One goal set forth by the Legislature is for foster children to be heard by the court, if appropriate, at all review hearings.

— Section 39.4085,  
Florida Statutes

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## GUARDIAN AD LITEM MEANS . . . WORKING WITH COMMUNITIES

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*Creating a strong advocacy network is Florida's best chance for success in achieving positive outcomes for dependent children. Ideally, such a network should include child advocacy groups, non-profit organizations, bar associations, private law firms and universities.*

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The GAL Program is committed to expanding this network. Most local programs already work with a non-profit organization to help address the needs of the children in their local communities. Some of these organizations provide needed items directly to children, such as backpacks and school supplies, while others provide staff for the GAL Program who advocate for children. Other private partners raise awareness through advertising and fundraising, and board members help with recruiting volunteers and increasing



community awareness of child abuse and neglect. The GAL Program's future success will be dependent upon pursuing all of these approaches simultaneously: ensuring that daily needs of children are met while at the same time raising community awareness, volunteer

participation and significant funds enabling the Program to meet its goal of 100% representation for children.

## GUARDIAN AD LITEM



The GAL Program is working with the Legal Aid Society of the Orange County Bar Association to provide GALs for the children in Orange County. This organization provides hundreds of lawyers who serve as guardians ad litem and the GAL Program provides funding for supervising lawyers and other staff. Similar partnerships are being established with other bar associations, law firms, and universities to increase the number of attorneys volunteering for the Program. The Program is also working to increase involvement of law schools and universities in the training of child advocates as well as to generate interest in the field of child advocacy as a profession. By galvanizing the efforts of these organizations and the many resources they donate for the benefit of abused and neglected children, the Program could reach significantly more children.

This network will become increasingly important as DCF fully implements the transition to community-based care. During the transition period, the guardian ad litem is likely the most constant person in the child's life, making sure that children do not get lost in the shuffle as the duties are transitioned to community-based care providers ("CBCs"). The GAL Program can be a resource for CBCs, providing information and consistency as the new employees are brought into children's lives.





## A PROMISE FOR FLORIDA'S CHILDREN . . . ENHANCING ADVOCACY TO REACH MORE CHILDREN

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*The promise of a guardian ad litem is made by the Florida Statutes.<sup>10</sup> For its entire history, the Program has struggled to fulfill this promise to Florida's children but has been unable to meet the need.<sup>11</sup> In most local programs, not all the children have a volunteer. In others, programs endeavor to reach more children by periodically discharging from cases before the child reaches permanency. This is not acceptable for children who have had too many promises broken already.*

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The GAL Program's goal is representation of every child involved in dependency proceedings. Quality GAL representation means every child should have a volunteer or a staff advocate who receives legal advice and support from a program attorney. There are also circumstances in which appointment of an attorney ad litem may be in a child's best interests. GAL representation must begin at shelter and continue through permanency. The GAL Program is committed to enhancing GAL advocacy not only by providing more representation, but also by providing better representation. The Program has developed the following initiatives to provide enhanced GAL advocacy to more children.



### **Improving Program Performance**

Volunteers and staff are governed by Standards of Operation. The standards provide guidance on many aspects of Program activity and include a Code of Conduct for guardians ad litem. These standards are being reviewed to ensure that they represent the highest quality of advocacy. Additionally, the state office is in the process of conducting comprehensive operational reviews of each local



program. In the nine months since the establishment of the state office 10 operational reviews have been completed. To date, these reviews have identified opportunities to create efficiencies by sharing best practices and evaluating utilization of staff resources. Additionally, the Program will continue its study of desirable outcomes for children and implementation of statewide productivity standards. The Program anticipates that results of the operational reviews will form the basis of performance measures which could be included in the Program's next Long Range Program Plan.

The Program is committed to implementing and administering sound and consistently applied human resource practices to further its efforts to provide high quality advocacy for all children. The new centralized structure provides an opportunity to create a single organizational climate and culture that promotes teamwork, self-accountability and high performance. The Program is making significant progress in this endeavor by establishing core and leadership competencies that serve as a model of expected behavior for all Program staff. Additionally, standards are being developed for program attorneys, as discussed on page 18.

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After over twenty years of best interests advocacy for children the Program has received resounding endorsements of its work. The Governor's Blue Ribbon Task Force <sup>12</sup> concluded that "if there is any program that costs the least and benefits the most, this one is it," and that the guardian ad litem volunteer is an "indispensable intermediary between the child and the court, between the child and DCF." The Pew Commission on Children and Foster Care, <sup>13</sup> a nonpartisan commission charged with the development of recommendations to improve outcomes for children in foster care, points to volunteer advocates as a proven means of strengthening the voice of children in dependency courts.

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## **Comprehensive Training to Strengthen Advocacy**

Section 39.8296(2)(b)4, Florida Statutes, requires that the state office establish a curriculum committee to develop a guardian ad litem training program. The following people have agreed to participate on this committee:

- Dr. Randy Borum, Mental Health Advocate, University of South Florida, Tampa
- Ms. Becky Calderon, Case Coordinator II and Training Consultant, GAL Program, Miami
- The Honorable Kevin Carey, Circuit Court Judge, 13th Circuit
- The Honorable Daniel Dawson, Circuit Court Judge, 9th Circuit
- Mr. Gerard F. Glynn, Executive Director, Florida's Children First
- Ms. Karla Grimsley, Circuit Director, GAL Program, Ocala
- Ms. Marsha Levy, Volunteer GAL, Ft. Lauderdale
- Ms. Mag McGauley, Executive Director, Florida Guardian ad Litem State Association
- Ms. Kelly McKibben, Chief Legal Counsel, DCF, Orlando
- Mr. Jim Stansbury, Volunteer GAL, Lynn Haven
- Ms. Mary K. Wimsett, Program Attorney, GAL Program, Trenton

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Volunteers may also be called CASAs or Court Appointed Special Advocates. The major difference between most CASA programs and Florida's GAL Program is the existence of program attorneys and staff advocates. The National Council of Juvenile and Family Court Judges has endorsed the use of CASAs, urged replication of the program, and helped establish the National CASA Association to promote the growth and development of CASA programs nationwide. Similarly, the American Bar Association has passed a resolution endorsing the use of CASAs in addition to attorney representation and encouraging its members to support the development of CASA programs in their communities.

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The Guardian ad Litem Certification Training is a comprehensive program designed to educate volunteers on many important aspects of the child protection system and the children and families it serves. Most local programs offer the 30 hour training program quarterly, but in some circuits it is offered more frequently. Being able to attend scheduled training can be a barrier to recruitment of potential volunteers. In order to facilitate completion of training, an online training program is being developed. Online training will enable individuals who are unable to attend in-person training, or who would prefer not to wait until the next training, to begin the certification process. Making training schedules more flexible will make it easier for more Floridians to serve as GAL volunteers.

### Strengthening Legal Advocacy for Children

Achieving positive outcomes for dependent children requires a strong legal team. A number of initiatives are being developed to enhance the legal advocacy being provided by program attorneys.

- **Standards.** State office staff and program attorneys are developing attorney standards of practice that will set forth expectations for all program attorneys and provide consistency in the Program's legal representation.
- **Training.** The Program is developing an attorney training program that will be used to provide an orientation to new program attorneys, to enhance the skills of existing attorneys by reinforcing general areas of practice, and to provide instruction on complex legal issues.
- **Materials.** The Program will begin providing its lawyers with a practice manual that can be used as a reference guide by all program attorneys on procedures and reoccurring legal issues.





## Putting Technology to Work for Children

Technology is an important vehicle for enhancing GAL advocacy. Before the Program can accurately evaluate performance and develop strategies to improve outcomes for children, it must have a system for uniform, consistent data collection and analysis. Acquiring and maintaining accurate data can be a costly undertaking, but the Program has found cost-effective solutions. The Program has several ongoing initiatives to ensure that accurate statistics are available.

- **Data Collection Today.** Local programs are currently submitting data monthly that includes both the number of cases and the number of children. These numbers are then compared with data provided by DCF. By comparing the number of children with a GAL and the total number of children involved in court proceedings, the Program can have a “snapshot in time” of the percentage of children with and without a guardian ad litem. As of June 30, 2004, approximately 50% of children have a GAL to represent them in court.
- **The Future of Data Collection.** With funds from fiscal year 2003/2004 and grants from the Children’s Justice Act Task Force, a statewide network was established which can be accessed over the internet.<sup>14</sup> Since counties provide internet access for local programs, this is a cost-effective method of connecting staff throughout the state. Additionally, the network can be accessed by staff with secure passwords from any computer with internet access. This will enable Program staff to access the network from any location, and enter more timely and accurate data.

The Program is expanding its efforts to capture accurate data by using the CASA Outcomes, Management and Evaluation Tool (“COMET”), a software program developed by National CASA. COMET is designed specifically for collection of data when utilizing volunteers and has the ability to provide reports. COMET is currently unable to hold the large amount of data generated by the Program. The Program received a grant of \$50,000 for the



modification of COMET which will be accomplished in collaboration with National CASA. This system will allow the local programs to enter data directly on the statewide network, giving the state office constant access to Program statistics, all at no cost to the state.

### **Making Education a Priority for Children**

One emerging area of advocacy is the educational needs of abused and neglected children. The child protection system often does not ensure the educational growth of children in out-of-home care.<sup>15</sup> When children are denied the opportunities afforded them by education, their abilities to function as adults is diminished. For many, lives of homelessness, underemployment or unemployment, or involvement with the criminal justice system is the result.

Advocacy for children must, in concert with new Florida laws addressing the importance of education and stability in educational placement, include a plan for the educational needs of each child. The Program's goal is that all children in the dependency system have educational opportunities that enable each child to achieve his or her potential and prepare children for life as productive adults. In order to achieve this goal, an educational advocate will be identified in each of the local programs to lead that effort with training and support from the state office.<sup>16</sup>







## A PROMISE FOR FLORIDA'S CHILDREN . . . MEETING STATUTORY MANDATES

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*Section 39.8296, Florida Statutes, requires the GAL Program to report on a plan for meeting the State's guardian ad litem and attorney ad litem needs.<sup>17</sup> Children need the steady advocacy provided by volunteers coupled with strong legal work and the support of case coordinators familiar with the intricacies of dependency proceedings.*

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Consistent with section 39.822, Florida Statutes, it is the goal of the Guardian ad Litem Program to provide best interests representation to every child involved in dependency proceedings in Florida. In certain cases, it may also be in the child's best interests to be represented by an attorney ad litem, as discussed below. The Program has identified the following plan for meeting the guardian ad litem needs of the State of Florida:

### *1. Achieve efficiencies within existing resources*

The GAL Program has set a goal of a 5% increase in the number of children represented through efficiencies and process re-engineering. Establishment of a state office has created opportunities to examine current statewide operations holistically. The Program has already saved funds by utilizing statewide purchasing and will continue to seek out opportunities to do so. These savings can then be spent to provide representation to more children. Additionally, centralized management of funding will allow for full utilization of OPS funding. The Program will deploy OPS resources throughout the state to ensure as many children as possible are served by the Program. Finally, the Program will utilize information from operational reviews to streamline operations.







## 2. ESTABLISH ADDITIONAL PUBLIC-PRIVATE PARTNERSHIPS

The GAL Program is actively seeking partnerships with private organizations to increase representation for children. Additional partnerships expand the Program's reach by bringing more community members into the network of advocates for children. Some of the current linkages benefiting children include the National CASA Association, the Children's Justice Act Task Force, the Orange County Bar Association, Lawyers for Children America, private law firms, universities and other non-profit organizations. The Program is also attempting to secure a number of different kinds of resources, including funding and legal services from private organizations. Since January 1, 2004, the Program has been awarded \$295,000 in new grants. The Program will continue to actively seek grant opportunities to increase and improve representation for children.

Additionally, the GAL Program is working with The Florida Bar to increase the number of attorneys who volunteer as guardians ad litem for the Program. Beginning with the establishment of the Legal Needs of Children Committee, the Bar has given significant attention to issues facing children in court. Past President Miles McGrane initiated the Challenge for Children, which has raised awareness and garnered donations for children's legal issues. Also under President McGrane's tenure, the Legal Needs of Children Committee was established as a standing committee of the Bar, and a representative of the Program was selected to be a member. State office staff has met with current President Kelly Overstreet-Johnson, who is planning to dedicate a President's Page in the Bar Journal to the need for GALs and has agreed to assist with outreach efforts. A partnership with the Florida Bar will enable the Program to reach more potential volunteers to advocate for children in dependency court.

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The National CASA Association estimates that each volunteer provides 11.75 hours of advocacy per month on behalf of their children.<sup>18</sup> Using this benchmark, an incredible 658,470 hours are donated in one year in Florida. The estimated dollar value of volunteer time is \$17.19 per hour, which means the value of the time contributed by GAL volunteers is \$11,319,099.

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### 3. INCREASE VOLUNTEER RECRUITMENT AND RETENTION

While Florida's GAL Program has the highest level of volunteer recruitment in the nation, the Program will continue to actively recruit additional volunteers to represent children. In its Long Range Program Plan, the GAL Program set a goal to increase its current volunteer base by 1,000 volunteers. If each volunteer accepts one case, approximately 1,800<sup>19</sup> more children will have an advocate in court. Accomplishing this goal would be a major step in the right direction, but unfortunately it will not ensure a volunteer is available for every child. In fact, it is estimated that approximately 14,780 volunteers would be needed to assign a volunteer to every child.<sup>20</sup>

Recruiting and retaining volunteers is a difficult task. The circumstances facing abused and neglected children can be disturbing for even the most seasoned child advocate. Volunteers must comply with extensive training requirements and guide children through the dependency process, both of which require time, patience and compassion. Therefore, the Program is taking a multifaceted approach to increase the number of volunteers.

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“ Not until you told my mom, did she understand that when she and my dad fight I get scared. I could tell you but I couldn't tell my mother... I was so scared. ”

— 8 year old girl talking to  
her guardian ad litem

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**STATEWIDE MARKETING CAMPAIGN.** For many years, each local program has recruited volunteers by speaking to community groups and conducting marketing efforts in its area. While these efforts have yielded an average of about 4,500 volunteers at any given time, a statewide effort is needed to accomplish any major increase in volunteer advocates. Voices for Children Foundation, Inc., a non-profit corporation that supports the 11th Circuit GAL Program, has developed a marketing campaign that will be launched statewide to recruit volunteers and increase awareness of children in need. The state office is working with the local programs and non-profit partners to secure private funds for this marketing effort. A powerful statewide campaign should yield additional volunteers and generate awareness that will assist the Program in achieving its goal of a GAL for every child.

**VOLUNTEER FLORIDA.** The state office has partnered with the Governor's Mentoring Initiative and the Governor's Faith-Based and Community Initiative in order to assist with the recruiting and retention of volunteers. Current volunteers who are state employees may claim one hour per week of administrative leave for volunteering as guardians ad litem. Volunteer Florida is assisting the Program by sharing its volunteerism expertise and facilitating speaking engagements for GAL staff.

**WEBSITE.** A statewide website for the GAL Program, [www.gal.fl.gov](http://www.gal.fl.gov), has been designed to recruit new volunteers, increase volunteer retention and enhance advocacy for children. The site contains checklists and guidelines for particular stages of the proceedings, sample reports and links to websites with information relevant to abuse, abandonment and neglect. It will be a clearinghouse where best practices can be shared among the Program, its volunteers and partners. Additionally, the site is a resource for program attorneys, attorneys ad litem and pro bono attorneys. It contains case summaries, legislative updates and links to statutory and administrative materials. The website is an ongoing initiative which will also allow local programs to share volunteer resources with one another.





**PRO BONO ATTORNEYS.** The Program is attempting to increase representation of children by utilizing pro bono attorneys to serve as guardians ad litem, or to provide legal support to the Program in court hearings, including termination of parental rights hearings. These attorneys will receive specialized training and will be supervised and supported by Program staff. The pro bono attorneys will function in much the same way as the GAL volunteer, but will have the ability to file motions, make objections and examine witnesses. It is hoped that giving attorneys the option to function in a capacity compatible with their own areas of expertise will increase recruitment of pro bono attorneys.

Additionally, the GAL Program is working with Lawyers for Children America, an organization whose mission is to create best outcomes on behalf of children involved in the child protection system. In partnership with the state office and the GAL Program of the 11th Circuit, Lawyers for Children America will use its current program model to recruit, train, and support attorneys to serve as guardians ad litem for abused and neglected children.<sup>21</sup> The current proposal focuses initially on the needs of dependent children in Miami-Dade County and could be replicated in other Florida counties.

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“ You’re the only one who ever listened to me  
or asked my opinion. ”

—14 year old child,  
Pasco County

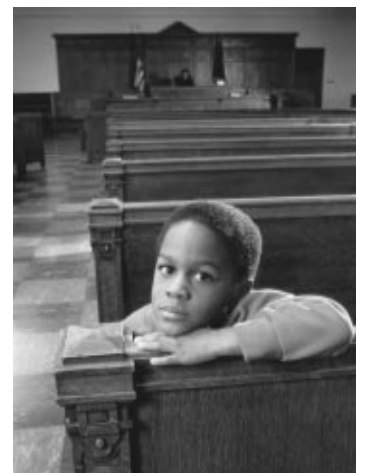
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#### 4. SEEK ADDITIONAL STATE FUNDS

The Guardian ad Litem Program has never had sufficient resources to meet the needs of dependent children, but in recent years, the Legislature has made significant increases to the GAL budget. In attempting to determine the guardian ad litem needs of the State, the Program has considered the historical gap between children's need for representation and existing funding, the current initiatives to increase representation, and the recent loss of county resources. In 2001, counties provided 66 positions, but that number has fallen to 34 positions as of the writing of this report. As of June 30, 2004, the total number of children still needing a guardian ad litem to represent them in abuse and neglect proceedings was 21,171 according to statistics provided by DCF and local programs. This represents about 50% of the children in need of a guardian ad litem.<sup>22</sup>

Because the state office has only been in existence for 9 months, it is too early to gauge the success of the initiatives designed to increase Program resources and representation of children. Until better information is available, the Program cannot provide a final plan or estimate of the cost of representation for every dependent child from shelter to permanency. However, it is clear that even as the Program works diligently to increase the number of children it represents, additional staff will be needed to reach all of the children in need. Therefore, the Program is requesting \$4.3 million in additional funds to move closer to 100% representation. These funds will be used to hire additional case coordinators, program attorneys and limited support staff. The expected staff hiring ratio is 5 case coordinators, 1 program attorney and .5 support staff.<sup>23</sup> This interim measure will immediately increase representation of children by utilizing case coordinators as staff advocates working directly with children. As the Program recruits additional volunteers, the case coordinators will be able to increase their caseloads by supervising new volunteers.





There are two alternatives for deployment of these resources:

**Gradual increase to all programs.** One alternative for allocating positions is to examine the existing caseloads of staff in the local programs and compare them to the number of children needing a GAL in the circuit. Programs with lower percentages of representation that are at full capacity would be allotted new positions to bring them to the level of other local programs. A careful examination of individual caseloads would ensure that programs have resources that are proportionate to the number of children needing a GAL in their circuit.

**Achieve 100% representation in a limited number of circuits.** The only local program with the resources to represent 100% of children from shelter to permanency was the Osceola County GAL Program during the 2000-2003 Pilot Project. The Osceola County Program utilized a combination of volunteers and case coordinators to provide every child with best interests representation until 2003 when funding for the Pilot Project was eliminated. New funding could be allocated to specific programs to enable them to achieve 100% representation in FY 2005/2006. The state office would continue to pursue other means of funding representation, while closely monitoring the fully funded circuits to determine efficiencies and best practices.

At the end of fiscal year 2004/2005, the Program will examine its success in meeting the goals outlined in this report in order to develop a plan to identify the resources necessary to represent every abused or neglected child from shelter to permanency.

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“ I want you to know from my heart, we thank you for all the big and little things that you do for us. ”

—14 year old child,  
Pasco County



## ATTORNEYS AD LITEM

Section 39.8296, Florida Statutes, requires that a plan for meeting the State's attorney ad litem needs be presented.<sup>24</sup> The method for providing attorney ad litem services is via contract with individual attorneys, non-profit entities and legal aid organizations.

Currently, \$330,000 is set aside for appointment of attorneys ad litem ("AALs"). This number was developed by the Office of the State Courts Administrator and was based on the experience of the Attorney ad Litem Pilot Project created by the Florida Legislature in 2000, as established in section 39.4085, Florida Statutes.<sup>25</sup> Although the Pilot Project existed only in the Ninth Judicial Circuit, recurring funds from the Program's budget were utilized to provide attorneys ad litem throughout the State when a judge determined it was in a child's best interests.<sup>26</sup> While this Pilot Project was discontinued, these recurring funds were transferred with the Program and are made available for the purpose of appointing AALs for children in dependency court.

Attorneys ad litem represent a child's legal interests as expressed by that child and owe the same duty of confidentiality and zealous advocacy due an adult client. Attorneys ad litem are appointed for a variety of reasons, including the fact that a GAL is not available. Often judges will appoint an AAL if a child disagrees with a GAL, if a child has a specific legal problem outside the scope of the dependency proceedings, or if an attorney with relevant expertise is available to handle an issue for a child. There is a growing trend of appointing AALs for children eligible for independent living services. This population is underrepresented by the Program due to







limited resources and prioritization of cases favoring younger children. However, this transition to adulthood is a critical time in which many children must learn to become productive adult members of society.

Another situation when AALs are appointed is when a child is recommended to be placed in a residential mental health treatment facility. Rule 8.350, Florida Rules of Juvenile Procedure, provides for appointment of an attorney ad litem in cases where children disagree with a recommendation that they be committed to such a facility. The Program has consulted with the Children's Mental Health Program Office of DCF, and it estimates that approximately 556 children will be placed in residential treatment centers this year.<sup>27</sup> However, it is unknown how many of them will disagree with the placement. Accordingly, it is difficult to estimate the costs of providing this representation.<sup>28</sup>

The Guardian ad Litem Program is monitoring the use of attorneys ad litem in an effort to determine the needs of the state. An attorney who previously worked in the pilot project is administering the funds and monitoring AAL contracts. It is difficult to project how many children will need attorneys ad litem since there is no statutory mandate and no objective criteria for appointment. During the next year, the Program will track use of funds, consult with judges and review the Program's requests for appointment of AALs in order to develop a plan to meet the AAL needs of the state. In order to ensure that AALs are available when a judge appoints one, the Program is working with Florida's Children First to provide additional training opportunities for pro bono attorneys.



## A PROMISE FOR FLORIDA'S CHILDREN . . . CREATING A BETTER TOMORROW

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*There is much work to be done to ensure that all children have an advocate in dependency proceedings. Currently, 21,171 children are without a guardian ad litem to represent them in court.* <sup>29</sup>

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The staff and volunteers of the Program are ready to roll up their sleeves and look within to see how more can be done, where efficiencies can be achieved and what sacrifices can be made to represent more children. However, the Program cannot do it alone. Partnerships with the communities must be established. State and local governments must commit additional funds for this important cause. The following statistics demonstrate the critical importance of addressing the needs of abused and neglected children:

- Studies have shown that having a CASA on an abused or neglected child's case may minimize the number of placements. Children with CASAs have fewer placements (3.9 on average) than those without CASA volunteers (6.6 on average). <sup>30</sup> Another study found that children with CASA volunteers had fewer placements (3.3 on average) than those without CASA volunteers (4.6 on average). <sup>31</sup>
- Abused or neglected children are more likely than the general population to be juvenile offenders. <sup>32</sup> Children who have been abused or neglected are 59% more likely to be arrested as a juvenile. <sup>33</sup>
- Children removed from their homes and placed in foster care have a higher rate of delinquency. Sixteen percent of children placed into foster care experienced at least one delinquency petition compared to 9% of all maltreatment victims who were not removed from their families. <sup>34</sup> Among children in foster care, an increase in the number of foster care placements correlated with increased number of delinquency convictions. <sup>35</sup>
- Children who were moved three or more times while in out-of-home care had significantly higher juvenile arrest rates (almost twice as high) than children who were moved fewer than three times, suggesting the importance of placement stability. <sup>36</sup>



In a tight fiscal year, legislators will have to make tough decisions on their funding priorities. The GAL Program believes it merits legislative support and funding based on the reasons, statistics and justifications presented throughout this report.

There is no simple solution to providing the highest quality advocacy for all abused and neglected children. Volunteers and the private sector cannot do it alone, and neither can state and local government. A collaborative approach to the needs of children in care, with each partner contributing to the effort, is the only hope for keeping the promise made to abused and neglected children.

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*We must meet this challenge, for the betterment of the dependency system, for the sake of Florida's families – for the best interests of children.*

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## ENDNOTES

<sup>1</sup> HomeSafeNet data was provided by DCF as of June 30, 2004. The number of children in need of a guardian ad litem was calculated by starting with the total number of children receiving services of DCF (48,636), and subtracting children receiving voluntary services (4,538), children over age 18 (1,116), and children who cannot be located (417).

<sup>2</sup> § 39.822(1), Fla. Stat. (2004).

<sup>3</sup> Each of Florida's 20 judicial circuits has a Guardian ad Litem Program. In the Eighteenth Judicial Circuit, there is a program for each of the two counties, Brevard and Seminole. Additionally, in the Ninth Judicial Circuit, the Legal Aid Society of the Orange County Bar Association has a Guardian ad Litem Program. While not under the supervision of the Statewide Guardian ad Litem Office, the OCBA receives funding from general revenue dollars allocated to the Guardian ad Litem Program.

<sup>4</sup> This figure is based on data collected from local programs as of June 30, 2004.

<sup>5</sup> Florida, with 8,072 volunteers over the course of one year, is followed next by California's annual reported volunteers of 4,750, then Texas with 4,260 and North Carolina with 3,890.

<sup>6</sup> Potential foster parents must attend 30 hours of Model Approach to Parenting Preparation (MAPP) training before becoming a licensed foster home.

<sup>7</sup> § 39.821(1), Fla. Stat. (2004).

<sup>8</sup> The average of 1.8 children per case was derived from the Program's existing caseload as of June 30, 2004.

<sup>9</sup> As of June 30, 2004, the volunteer caseload was 14,664, including 1,316 children represented by members of the Orange County Bar Association.

<sup>10</sup> See §§ 39.402(8)(c)(1), 39.807(2), 39.822, Fla. Stat. (2004); Rules 8.215, 8.305(b)(7)(A), and 8.510(a)(2)(C), Fla. R. Juv. P.

<sup>11</sup> The GAL Program uses a Case Assignment Matrix to determine which children are most likely in need of an advocate. Some of the key indicators include age of the child and allegations in the dependency petition. The matrix is a tool designed to apply objective criteria to the assignment process, however, the protocol for applying the matrix allows Program staff to use discretion in making assignments.

<sup>12</sup> The Governor's Blue Ribbon Task Force was established following the disappearance of Rilya Wilson and was directed to focus its attention on the safety of children in the child welfare system, specifically the adequacy of oversight and accountability within the Department of Children and Families.

<sup>13</sup> The Pew Commission includes some of the nation's leading child welfare experts, administrators of child welfare agencies, judges, social workers, a state legislator, a child psychologist, foster and adoptive parents, a former foster youth, and others. The Commission's charge was to develop recommendations to improve outcomes for children in the foster care system—particularly to expedite the movement of children from foster care into safe, permanent, nurturing families, and prevent unnecessary placements in foster care. The Pew Commission is chaired by Bill Frenzel, former Republican Congressman and currently Guest Scholar at the Brookings Institution. The Vice Chair is William Gray, III, former Democratic Congressman and currently President and CEO of the United Negro College Fund. Mr. Frenzel and Mr. Gray are well known for their expertise in the federal budgeting process and for their ability to forge consensus across party lines.

<sup>14</sup> The Citrix computing environment provides secure access to the Guardian ad Litem Network from any internet accessible device. Additionally, all users benefit from running their application on



high-speed server class hardware instead of their local desktop.

<sup>15</sup> Casey Family Programs, A Road Map for Learning: Improving Educational Outcomes in Foster Care, 2004 and New York State: Improving Educational Services for Foster Children: An Advocate's Guide, May 1999.

<sup>16</sup> The Casey Family Program has provided multiple objectives that the GAL Program believes present a sensible approach for educational advocacy. The Program is developing educational programs to ensure that volunteers, case coordinators and program attorneys are advocating for:

- School placement stability
- Accurate and accessible school records that do not delay educational opportunities
- Collaboration between the social services system, the educational system and the judiciary to better educational outcomes for these children
- More effective training for foster parents and caregivers to be educational advocates at school and at home
- Educational advocates for every at-risk child in concert with the Governor's education and mentoring initiatives
- Youth to be involved in educational planning
- Special education needs that are appropriate to the youth
- Decreasing disparate outcomes for youth of color
- Every child to be able to read
- Preparing youth to achieve post secondary education goals

<sup>17</sup> § 39.8296(2)(b)7, Fla. Stat. (2004).

<sup>18</sup> The value of volunteer time is based on the average hourly earnings of all production and nonsupervisory workers on private nonfarm payrolls as determined by the Bureau of Labor Statistics. The independent sector takes this figure and increases it by 12% to estimate for fringe benefits.

<sup>19</sup> On average there are 1.8 children in each case.

<sup>20</sup> This number is calculated by dividing the total number of children needing a GAL, based on data provided by DCF, by the average number of children a volunteer represents. On average, a GAL volunteer handles 1.6 cases with 1.8 children, for a total of 2.88 children.

<sup>21</sup> Lawyers for Children America currently uses this model to provide attorneys ad litem for children in the 11th Circuit.

<sup>22</sup> When the Governor's Guardian ad Litem Working Group was gathering information for its report, it found that in calendar year 2000, 54% of dependent children had a guardian ad litem. This number was based on data provided by the Office of the State Courts Administrator which compared limited case data collected annually from the local programs with court data regarding dependency proceedings. There are two reasons that this figure does not accurately indicate the number of children in need of a guardian ad litem. First, in certain circuits, judges no longer appoint a GAL on every case because the Program is unable to meet the need. This results in an artificially low number of cases referred to the Program. Second, the percentage of children is based upon the number of cases in which a GAL is assigned. Since all cases cannot be accepted, the Program is constantly balancing cases to determine which cases are most in need of a GAL. Sometimes the Program discharges from a case in which a child appears to be in a stable placement to accept appointment on a new, high risk case. Counting the number of total case assignments without regard to the length of assignment gives the false impression that the program is able to handle these cases until case closure. Accordingly, with an artificially low denominator and an artificially high numerator, the percentages previously given were much higher than the actual number of children with a GAL. For example, in



the month of June 2004, the Program assigned 87% of the cases in which it was appointed, but a comparison with current DCF data demonstrates that only 50% of all children with open cases have a guardian ad litem.

<sup>23</sup> This ratio is based upon a caseload of 125 cases per program attorney and 25 cases per case coordinator.

<sup>24</sup> § 39.8296(2)(b), Fla. Stat. (2004).

<sup>25</sup> The Pilot Project utilized the assumption that judges, in their discretion would appoint attorneys ad litem to 5% of the children. When monies were allocated for attorney ad litem services statewide, this assumption was used again. However, much of the money was not used, and therefore, the Trial Court Budget Commission reduced the allocation and \$330,000 was set aside for attorneys ad litem. This allocation was continued when the GAL Program was moved from the state court system to the Justice Administrative Commission.

<sup>26</sup> This was authorized by proviso in the 2002/2003 General Appropriations Act that read as follows: “each judicial circuit may only contract for legal services to assist a Guardian Ad Litem program to provide best interest representation for a child or only under those circumstances when a judge determines it is in the best interests of a child to be represented by an attorney.” It was this language that led the Trial Court Budget Commission to set aside funds for the appointment of attorneys ad litem.

<sup>27</sup> The Agency for Healthcare Administration funds locked residential treatment programs for dependent children through the Statewide Inpatient Psychiatric Program (SIPP). The Agency for Healthcare Administration estimates that 1,183 children will be placed in SIPP this year. The Florida Mental Health Institute’s 2004 SIPP report indicates that 47% of children in SIPP are in the dependency system. Based upon these statistics an estimated 556 children in the dependency system will be placed in a locked residential treatment facility this year. This figure does not take into account any placements funded by other sources.

<sup>28</sup> The Program currently contracts with individual attorneys ad litem on a case by case basis, with compensation capped at \$1,000. This amount is based on the statutory limitation provided for appointed counsel in termination of parental rights hearings. § 39.0134(2), Fla. Stat. (2004). In limited circumstances, the Program also contracts with non-profit entities and legal aid organizations to provide representation. Additionally, in some areas, pro bono attorneys serve as attorneys ad litem, but the number of attorneys is unknown at this time.

<sup>29</sup> Significant efforts have been taken to ensure the accuracy of the numbers presented by the Program. However, the methodology for collecting statistical data is still being refined. Centralized data collection will soon be possible, with the implementation of the statewide network and the COMET case management system.

<sup>30</sup> Litzelfelner, P. (2000). The effectiveness of CASAs in achieving positive outcomes for children. *Child Welfare League of America*, LXXIX, 179-193.

<sup>31</sup> Calkins, A. C. & Millar, M. (1999). The effectiveness of court appointed special advocates to assist in permanency planning. *Child and Adolescent Social Work Journal*, 16, 37-45. A recent study conducted by Caliber Associates found there were no differences in the average number of placements experienced by children with and without a CASA volunteer as of the end of the study. However, the report went on to state that “these differences may reflect the fact that children who receive a CASA volunteer face more risky circumstances than children who do not receive a CASA volunteer.” Forty percent of children with a CASA volunteer were rated at severe risk versus 14 percent of children without a CASA volunteer. Caliber Associates (2003). *Evaluation of CASA Representation*. Retrieved on September 19, 2004 at [http://www.casanet.org/download/casa-surveys/caliber\\_casa\\_report\\_representation.pdf](http://www.casanet.org/download/casa-surveys/caliber_casa_report_representation.pdf). In





fact, children with a CASA were significantly more likely than children without a CASA to have a prior report of maltreatment, a prior investigation of maltreatment and a prior substantiated incidence of maltreatment.

<sup>32</sup> Those abused or neglected as children were more likely than a non-abused or non-neglected group to be arrested as juveniles (27% vs. 17%), adults (42% vs. 33%), and for a violent crime (18% vs. 14%). The report found that abused and neglected children were younger at first arrest (mean = 16.5 vs. 17.3 years), committed nearly twice as many offenses (mean = 2.4 vs. 1.4), and were arrested more frequently (17% of abused and neglected cases vs. 9% of comparison cases had more than five arrests). Maxfield, M.G. & Widom, C.S. (2001). *An Update on the Cycle of Violence. Research in Brief.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

<sup>33</sup> Maxfield, M.G. & Widom, C.S. (2001). *An Update on the Cycle of Violence. Research in Brief.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

<sup>34</sup> Ryan, J.P. & Testa, M.F. (Updated 1/12/04). *Child Maltreatment and Juvenile Delinquency: Investigating the Role of Placement and Placement Instability.* Children and Family Research Center, School of Social Work, University of Illinois at Urbana-Champaign.

<sup>35</sup> Runyan, D.K. & Gould, C.L. (1985). *Foster Care for Child Maltreatment: Impact on Delinquent Behavior.* *Pediatrics*, 75(3), 562-568.

<sup>36</sup> Widom, C.S. (1989). *The Cycle of Violence.* *Science*, 244, 160-166; Widom, C.S. (1992). *The Cycle of Violence. Research in Brief.* Washington, DC: U.S. Department of Justice, National Institute of Justice; Maxfield, M.G. & Widom, C.S. (1996). *The Cycle of Violence: Revisited Six Years Later,* *Archives of Pediatrics and Adolescent Medicine*, 150, 390-95.





## GUARDIAN AD LITEM



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